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7 Attorneys for Plaintiffs

8  
9 IN THE UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 DAVE ALBA, JAVIER ALVA, RICHARD )  
BALMY, MAZEN BARBARI, BARRY )  
12 BLOOM, CHRISTOPHER BONDANZA, )  
MALACHI L. BURRIS, KENNICE BURT- )  
13 SMITH, DENNIS CARTER, JR., ISMAEL )  
R. CAUSAPIN, EUGENE J. CERBONE, )  
14 JUN CHUA, ROBERT M. DALY, )  
DENEILLE DAY, BROCK A. DAVIS, )  
15 ROBERT DISALVATURE, RICHARD )  
DROCCO, FITZGERALD FIELDS, )  
16 WILLIAM E. FLETCHER, LARRY )  
FOWLER, JOHNNY FUNG, SERGIO )  
17 GARCIA, JUAN GARRIDO, SALVADOR )  
F. GOROSTIZA, JR., JAMES HALL, )  
18 KENNETH HARRISON, SHANE M. )  
HERRON, MARK HUNTOON, ROBERT )  
19 W. ICHINOSE, SARAH JAMES, JOHN R. )  
JARDIN, DARYL JONS, GREGORY )  
20 JONES, MICHAEL A. JONES, HARRY )  
JUBAR, LEONARD KEEN, PATRICK )  
21 LAVAL, MANOLITO LAZATIN, KENNY )  
E. LEWIS, CHARLES D. LINTZ, VICTOR )  
22 MAJANO, ANDREW MARTINEZ, KEVIN )  
McCONNELL, SHEDRICK McDANIELS, )  
23 MATTIE SPIRES-MORGAN, KATHLEEN )  
MURRAY, LELA B. MUSTAIN, KEVIN )  
24 NAKAGAWA, JOSE PADILLA, J. )  
PALENCIA, ANTHONY PEPPERS, )  
25 VINCENT QUOCK, DANILE RAMIREZ, )  
RAMIL RAMOS, PAUL DEL ROSARIO, )  
26 EDWARD H. RUPPENSTEIN, )  
ESMERALDA SCANLON, FREDERICK )  
27 SASS, JAMES SHARPE, PATRICK SIU, )  
OSCAR J. TAYLOR, FELISHA M. )

Case No.: C 05-01667 THE

**STIPULATION AND [PROPOSED]  
ORDER RE SENDING NOTICE OF  
ACTION TO SIMILARLY SITUATED  
INDIVIDUALS AND SETTING CUT-  
OFF DATE FOR ADDITION OF OPT-IN  
PLAINTIFFS**

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1 THOMAS, MATT TURNER, BENTON )  
 2 WAN, RONNIE WAN, JAMES B. )  
 3 WILSON, DAVID K. WONG, STAN )  
 4 WONG, WAYNE WOOLFOLK, )  
 5 SUPREMIE WYSINGER, STEPHEN )  
 6 XAVIER, WHITNEY P. YEE, ALVIN )  
 7 YOUNG, MICHAEL ZEHNER, acting for )  
 8 themselves and others similarly situated, )  
 9  
 10 Plaintiffs, )  
 11  
 12 CITY AND COUNTY OF SAN )  
 13 FRANCISCO, )  
 14 Defendant. )  
 15 \_\_\_\_\_ )

11 1. IT IS HEREBY STIPULATED by and between the parties to the above-entitled action, by  
 12 their respective counsel, that the Defendant will provide Plaintiffs the names and addresses of all sworn  
 13 members of the Sheriff’s Department at or below the rank of Lieutenant, employed by Defendant at any time  
 14 from November 1, 2002 until the present. The parties agree that for purposes of this Notice only, the  
 15 individuals identified above are “similarly situated” to the named plaintiffs. 29 U.S.C. § 216(b).

16 2. The parties further agree that this stipulation is for notice purposes only, and does not and will  
 17 not constitute an admission by Defendant with regard to any issue in this case, whether legal or factual,  
 18 including but not limited to whether any person receiving the proposed “Notice” is “similarly situated”, is  
 19 exempt from the overtime requirements of the Fair Labor Standards Act, is entitled to damages, or any other  
 20 issue related to the claims, defenses, or damages in this action.

21 3. The parties agree that Defendant will retain the right to litigate whether Lieutenants or any other  
 22 rank of sworn officers are exempt from the overtime requirements of the Fair Labor Standards Act.

23 4. The parties agree to the form and content of the proposed “Notice” from the Court, attached  
 24 hereto as Exhibit “A”.

25 5. The parties agree that Plaintiffs’ counsel shall serve the attached Notice to all persons “similarly  
 26 situated” by first class mail. Thereafter, persons “similarly situated” shall have sixty (60) days from the date  
 27 Plaintiffs’ counsel serves the persons “similarly situated” with the “Notice” to opt-in to the action. Service shall  
 28 be deemed effective as of the date Plaintiffs’ counsel first deposits the Notice in the U.S. Mail. Plaintiffs’

1 counsel agrees that to the extent possible all Notices to “similarly situated” persons shall be mailed on the same  
2 date. The parties also agree that Defendant’s counsel will promptly produce the information described in  
3 paragraph 1 above and Plaintiffs’ counsel will promptly serve the persons “similarly situated” upon receipt from  
4 Defendant of that information. Plaintiffs’ counsel shall provide Defendants with verification of the date and  
5 place of the mailing of the Notices and a list of all persons served.

6 6. Absent permission from the Court, allegedly “similarly situated” persons will be barred from  
7 opting-in to this proceeding after the expiration of the sixty (60) day period described above. 7. The  
8 parties agree that Plaintiffs’ counsel shall fill-in the blank lines in paragraphs four (4), five (5), and six (6) of  
9 the “Notice” to reflect the calendar dates corresponding with the sixty (60) day period.

10 8. Upon filing this Stipulation, all parties agree a copy of a faxed signature is as valid as an original  
11 signature.

12 RESPECTFULLY SUBMITTED.

13  
14 **MASTAGNI, HOLSTEDT, AMICK,  
15 MILLER, JOHNSON & UHRHAMMER**

16 Dated: October 27, 2005

17 By /s/ DAVID E. MASTAGNI  
18 Attorney for Plaintiffs

19 Dated: October 27, 2005

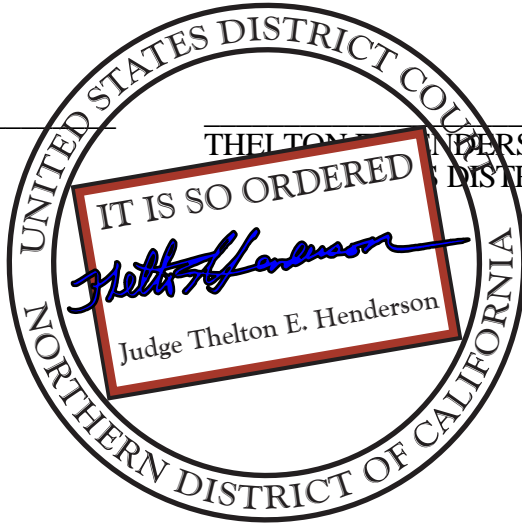
20 By /s/ KATHARINE PORTER  
21 Attorney for Defendant

22  
23  
24 **PROPOSED ORDER**

25 The stipulation and [proposed] Order re Sending Notice of Action to “Similarly Situated”  
26 Individuals and Setting Cut-off Date for Addition of Opt-in Plaintiffs is hereby adopted by the Court as the  
27 Order of this Court and the parties are ordered to comply with this Order.  
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Dated: 01/03/06



THELTON E. HENDERSON  
DISTRICT COURT JUDGE